

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MYRON BASS,)
Plaintiff,)
v.) No. 2:14-cv-02856-JTF-tmp
DELTA MEDICAL HOSPITAL, et al.,)
Defendants.)
)

**ORDER ADOPTING THE REPORT AND RECOMMENDATION AND ORDER OF
DISMISSAL**

On October 29, 2014, *pro se* Plaintiff Myron Bass filed a complaint against Defendants accompanied by a Motion to Proceed *in Forma Pauperis* and a Motion for Appointment of Attorney. (ECF Nos. 1; 2; 3). On October 30, 2014, the Magistrate Judge entered an Order Directing Plaintiff to File a Properly Completed *in Forma Pauperis* Affidavit or Pay the Civil Filing Fee and an Order Denying Plaintiff's Motion for Appointment of Counsel. (ECF Nos. 5; 6). The Order directing the Plaintiff to properly file the affidavit or pay the civil filing fee stated that “[f]ailure to comply in a timely manner with this order will result in dismissal of this action without further notice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.” (ECF No. 5 at 2). Consistent with the court order, the *in forma pauperis* long form was mailed to the Plaintiff at the address of record on October 31, 2014. On November 5, 2014, the Plaintiff filed a Notice of Address Change. (ECF No. 7). The *in forma pauperis* long form was subsequently mailed to Plaintiff's new address of record on November 25, 2014.

Based on Plaintiff's failure to file a properly completed *in forma pauperis* affidavit or pay the civil filing fee, the Magistrate Judge entered an Order to Show Cause on January 5, 2015. (ECF No. 10). Such Order to Show Cause stated "that failure to comply with this order shall result in a recommendation to the District Judge that his complaint be dismissed for failure to prosecute." *Id.* On January 27, 2015, the Magistrate Judge filed a Report and Recommendation recommending that the case be dismissed without prejudice for failure to prosecute under Fed. R. Civ. P. 41(b). (ECF No. 11). To this date, no party has filed objections with the Magistrate Judge's Report and Recommendation.

Accordingly, the Court finds that Plaintiff has failed to prosecute this case and has failed to comply with multiple court orders.

IT IS THEREFORE ORDERED that the case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED on this 25th day of February, 2015.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge